

REMARKS

This amendment is responsive to the Office Action of September 25, 2006. New claims 15-20 have been added herein to depend from claim 4. Support for the new claims is found in the specification, for example, at page 2, lines 23-24; page 3, lines 3-21; page 5, lines 6-19, etc. Reconsideration and allowance of claims 1-20 are requested.

The Office Action

The title of the invention has been objected to for not being descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claims 13 and 14 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Garudadri.

Objection to the Title

The title has been amended herein to "DELAYED MESSAGE TRANSMISSION FROM A WIRELESS DEVICE." It is believed that this amendment suffices to cure the description deficiency suggested by the Examiner. Accordingly, removal of this objection is respectfully requested.

Rejection under 35 U.S.C. § 101

Claims 13 and 14 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 13 and 14 have been amended herein to set forth "*a machine-readable medium, having stored thereon communication software...*" It is believed that the foregoing amendment cures the informality put forth by the Examiner, and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Garudadri. This rejection should be withdrawn for at least the following reason:

Garudadri fails to disclose, either expressly or inherently, each and every limitation set forth in the subject claims.

The subject application relates generally to a communication device that permits a user to record a message and provide an address (e.g., a cell phone number, email address, etc., and to pre-designate a transmission time (e.g., date and/or time) for the recorded message to be transmitted. Storage of the recorded message is in the mobile device (e.g., client-side) used to record the message rather than at a service provider server, which permits the message to be transmitted at the pre-designated time regardless of the service provider being used by the mobile device at transmission time. For example, "... the apparatus ... enables a user to enter a message well before a pre-designated day and/or time and to schedule it to reach a communication address at this day and/or time, independent of supplementary services offered by a communication network. Scheduling a birthday greeting is an example of how a user could benefit from such an apparatus. When a user goes abroad, he will be able to send a birthday greeting as long as his telecom operator has a roaming agreement with a local telecom operator and his apparatus can use the local operator's communication network. It is not necessary for the local telecom operator to provide the same supplementary services as the user's own telecom operator." See e.g., page 2, lines 5-14.

Independent claim 1 sets forth "...[a] control unit (9) comprises an auto-dialer (11) capable of initiating transmission of the message entry to the communication address when triggered; and a timing device (13) is present, capable of triggering the auto-dialer (11) in dependence upon the time entry." Similarly, independent claim 13 sets forth "a function for *receiving a time entry specifying at least one of the elements of date and time*, an address entry specifying a communication address, and a message entry; and a function for *transmitting the message entry to the communication address depending on the time entry*." Amended independent claim 4 sets forth a "control unit [that] includes an auto-dialer capable of initiating transmission of the message entry to the communication address when triggered; and a timing device that triggers the auto-dialer to *transmit the message to the specified communication address at the at least one of date and time specified in*

the time entry...” Garudadri fails to disclose such aspects of independent claims 1, 4, and 13.

Contrary to the Examiner’s assertion, the cited portions of Garudadri do not disclose transmission of a recorded message at a pre-designated time. Specifically, column 5, lines 36-52 of Garudadri relate a structure for a voice recognition (VR) device, comprising a plurality of components including a processor and storage mediums, but this section is devoid of any reference to or suggestion of the claimed aspects of predefining a time and date for transmission of a recorded message to its intended recipient. Rather, Garudadri relates to prompting a user to ad a voice tag to a cell phone number or email address (e.g., to enter the phone number or email address into the user’s voice-activated contact list) once the user has received a call or message from, or sent a call or message to, the phone number or email address a predefined number of times. Nowhere in the Examiner’s cited sections, or elsewhere in Garudadri for that matter, is there disclosure of the presently claimed aspects of permitting a user to record a message, storing the message for delayed transmission, permitting the user to pre-define a date and time at which the message should be transmitted, and transmitting the message at the pre-defined time.

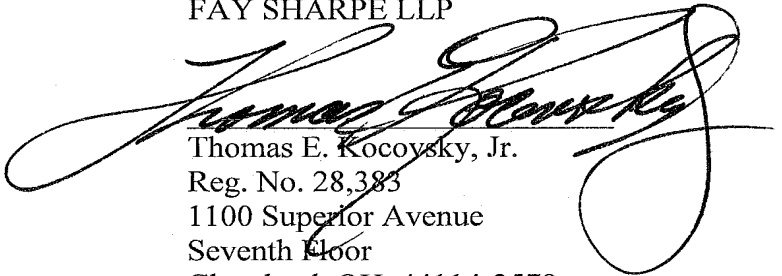
In view of at least the foregoing, it is readily apparent that Garudadri fails to anticipate independent claims 1, 4, and 13 (and claims 2-3, 5-12 and 14-20, which depend there from). Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1-20 meet the statutory requirements and distinguish patentably over the references of record. An early allowance of all claims is requested.

Respectfully submitted,

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